REMARKS

Reconsideration of this Application is respectfully requested. Applicant wishes to thank the Examiner for his kind consideration and helpful suggestions during the Examiner Interview conducted on February 14, 2006. All of his suggestions are incorporated herein by the present Amendment After Final Action. Claim 1, in particular, is amended, without prejudice or disclaimer. Claims 4 and 5 are allowed. Claims 1-5 are in this case.

Initially, the Examiner objected to the Abstract Of The Disclosure on grounds that it uses phrases that can be implied. Also, the Examiner reminded Applicant of the proper language and format for the Abstract, for example, that the form and legal phraseology used in patent claims, such as "means" and "said", should be avoided. Correction is required by the Examiner, the Examiner citing MPEP § 608.01(b).

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In response, the Abstract Of The Disclosure is amended, in accordance with the Examiner's suggestion in the Office Action and Examiner Interview, to read - - A *bi-material,* anti-dazzle raster for tubular light sources *includes* - -, to better define the invention without limiting effect. (emphasis added).

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The Examiner then rejected claims 1 and 3 under 35 U.S.C. § 103(a) as being obvious and, therefore, unpatentable over Fishman, U.S. Patent No. 6,402,345. More particularly, according to the Examiner, Fishman discloses a louver assembly having a plurality of side pieces (claim 1) at Figure 1, item 14; the side pieces being made of a generally rigid material (claim 1) and considered inherent; a plurality of transverse

partitions (claim 1) at Figure 1, reference numbers 26 and 28; the partitions extending between the side pieces (claim 1) in Figure 1; the partitions being grouped in modular units (claim 1) in Figure 1; each unit having a selected number of partitions (claim 1) which is considered to be inherent; a connection bar (claim 1) at Figure 1, item 30; the selected number of partitions being connected to one another by the connection bar (claim 1) at column 2, lines 58-61; the unit being joined by snap-fit engagement to the side pieces (claim 1) at column 3, lines 3-10; the partitions being made of a polymeric material (claim 1) at column 3, lines 52-55; the partitions including teeth (claim 3) at Figure 3, items 70 and 72; the teeth extending from the partitions in a generally lateral direction (claim 3) in Figure 3; the side pieces including seatings (claim 2) in column 3, lines 8-10; and the lateral direction being suitable for snap-fit engagement with corresponding seatings (claim 3) as allegedly evidenced at column 3, lines 3-10.

The Examiner acknowledges, however, that Fishman fails to disclose the partitions being injection molded (claim 1), or a plurality of relatively parallel connection bars (claim 1).

He concludes that it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to injection mold the polymeric partitions of Fishman since, the Examiner argues, such limitation refers only to the method of making the claimed partitions, failing to further limit the structure of such partitions. The Examiner comments that it appears that the claimed invention would perform equally well with the patented partition of Fishman, since Applicant has purportedly not disclosed that injection-molded partitions solves any unexpected problem or is for any particular reason. In addition, the Examiner takes Official Notice that injection molding,

as a manufacturing process for polymeric elements, is old and well known in the art.

Regarding having a plurality of relatively parallel connection bars instead of the single connection bar disclosed by Fishman, the Examiner finds that it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to include more than just one connection bar, since, he notes, it has been held that mere duplication of essential working parts of a device involves only routine skill in the art, citing *St. Regis Paper Co. V. Bernis Co.*, 193 U.S.P.Q. 8. With respect to Applicant's invention, the Examiner takes the position that Fishman discloses a louver structure for a lamp 10 having two fluorescent tubes. The Examiner also asserts that adapting the invention of Fishman for use in illumination devices having 3 or more fluorescent tubes would have required more than one central reflector 30 (as purportedly evidenced in column 3, lines 13-26), such allegedly necessary modifications occurring naturally to one of ordinary skill in the art.

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Last, the Examiner rejected claim 2 under 35 U.S.C. § 103(a) as being obvious and, therefore, unpatentable over Fishman in view of Morgan, U.S. Patent No. 6,443,598. First, the Examiner admits that Fishman omits to disclose or suggest partitions having a substantially V-shaped section and a plurality of relatively symmetrical shoulders extending from an upper edge, the connecting bars being affixed to the outside faces of such shoulders (claim 2), while taking the position that Fishman discloses or suggests all of the other limitations of Applicant's claims.

The Examiner looks to Morgan which, he asserts, discloses a louver assembly having: (I) a plurality of side pieces (claim 1) at Figure 2, item 6; (ii) the side pieces

being made of a generally rigid material (claim 1) which the Examiner considers inherent; (iii) a plurality of transverse partitions (claim 1) at Figure 1, item 10; (iv) the partitions extending between the side pieces (claim 1) at Figure 2; (v) the partitions being grouped in modular units (claim 1) at Figure 1; (vi) each unit having a selected number of partitions (claim 1) also considered to be inherent; (vii) the partitions being joined by snap-fit engagement to the side pieces (claim 1) as allegedly indicated at Figure 2; (viii) the partitions being injection molded of a polymeric material (claim 1) at column 4, lines 14-18; (ix) the partitions having a substantially V-shaped section (claim 2) at Figure 1; and (x) the partitions including a plurality of relatively symmetrical shoulders extending from an upper edge (claim 2) as purportedly seen in Figure 3.

Accordingly, the Examiner concludes that it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to use the partitions of Morgan in the structure of Fishman to increase the illumination efficiency of the lamp structure while removing unwanted glare, per the teachings of Morgan (column 1, lines 11-15).

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The Examiner then indicates that claims 4 and 5 are allowed, providing the following state of reasons for the indication of allowable subject matter.

Applicant, says the Examiner, teaches a louver assembly including a plurality of injection molded partitions, such partitions being snap-fitted to and extending between a plurality of side pieces. The partitions, the Examiner continues, are grouped into modular units, such units including a selected number of partitions connected to one another by a plurality of relatively parallel connecting bars. The Examiner indicates that

the bars project beyond the partition ends a distance equal to about one half of the distance between two adjacent partitions.

In addition, the Examiner states that no prior art was found teaching individually, or suggesting in combination, all of the features of Applicant's invention, specifically bars projecting beyond the partition ends a distance equal to about one half of the distance between two adjacent partitions, in combination with the claimed structure.

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Thereafter, in response to the argument purportedly made by Applicant that the references fail to show certain features of Applicant's invention, the Examiner takes the position that features upon which Applicant relies (e.g., raster made of two distinct and different materials, such as aluminum for the side pieces and plastic for the modular element) are not recited in the rejected claim(s). Examiner asserts, in this connection, that although the claims are interpreted in light of the Specification, limitations from the Specification are not read into the claims.

Furthermore, the Examiner finds, even if such two and different materials were positively recited, claim 1, he says, would still be unpatentable over Fishman on grounds that it selection of a prior art material on the basis of its suitability for its intended purpose is within the level of ordinary skill.

In particular, according to the Examiner, Fishman discloses an anti-dazzle raster formed by a pair of side reflectors 58, a connecting bar 30, and a plurality of transverse partitions 26 and 28 (in Figure 1). Partitions 26, the Examiner continues, are opaque (citing column 3, line 44), while partitions 28 are transparent and made of a material such as plastic or glass (column 3, lines 52-55). The Examiner also states that conventional

anti-dazzle rasters are made of a metallic material, with sheet metal of aluminum, or an aluminum alloy, being the preferred material, noting Section 8 of the prior Office Action. The Examiner determines that one of ordinary skill in the art at the time the invention was made would have recognized that the anti-dazzle raster of Fishman with its opaque and transparent partitions was made of a combination of a metallic material and a polymeric material (e.g., aluminum and plastic).

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In response, Applicant respectfully reiterates his disagreement with the Examiner's reading and application of the cited references to the present invention.

Applicant's invention is directed to a bi-material raster formed by a pair of aluminum bars 1 and modular units 2 affixed therewith, each modular unit being formed by a plurality of baffles/partitions 3 and a pair of connecting bars 4 formed in a single piece entirely of a polymeric material and made by injection molding. We respectfully submit, neither Fishman nor Morgan, whether taken alone or in any combination, disclose or suggest these features.

Moreover, Applicant submits, even if, in general, the selection of material is within the ordinary skill of the artisan, the present invention is directed to the combination of two different materials (namely, aluminum for the side bars and injection moldable polymer for the modular units) having non-obvious advantages in the field of anti-dazzle rasters.

The present invention, in particular, the aforesaid combination, combines the cost savings of polymerics with the strength advantages of metallics. More particularly, Applicant's anti-dazzle raster achieves significant cost savings in production through use

of a polymeric material, while providing the strength afforded by a metallic material, but without affecting the appearance of the raster, which has the appearance of rasters that are considerably more expensive, i.e., rasters that are made completely out of aluminum. Notably, such appearance is far superior to that of conventional rasters made completely of plastic.

Regarding the Examiner's argument that Applicant has provided no indication in the Disclosure that the aforesaid combination solves any unexpected problem or is for any particular reason, Applicant respectfully directs the Examiner to the Objects And Summary Of The Invention section (See Specification, page 2, first full paragraph), which states that the present invention not only avoids assembly problems of conventional metallic rasters, but also the necessary strength structurally accorded by metallic materials, without the aesthetic drawbacks of conventional polymeric rasters.

As for the Examiner's assertion that features upon which Applicant relies (e.g., raster made of two distinct and different materials) are not recited in the rejected claim(s), while Applicant respectfully asserts that such limitations are considered inherent in the language of claim 1, claim 1 is amended, without prejudice or disclaimer, and in accordance with the Examiner Interview, to better define the invention by delineation of "side pieces made of a generally rigid ***metallic*** material". (emphasis added).

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Applicant respectfully submits that none of the cited references, whether taken alone or in combination, disclose or suggest Applicant's invention, as claimed.

Withdrawal of the Examiner's rejections under § 103(a) is, therefore, respectfully

requested.

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Finally, with regard to the Title Of The Invention, Applicant respectfully disagrees with the Examiner's position that Applicant's invention is a "***polymeric*** anti-dazzle raster for tubular light sources" (emphasis added), and submits that the raster of the present invention is not a "polymeric" raster, but rather a "bi-material" raster. In this connection, Applicant respectfully notes the Specification, page 2, paragraph 4, line 3, which states:

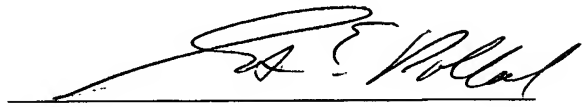
> In one embodiment, the raster preferably comprises *two side pieces 1 constructed of* a suitable material, e.g., *aluminum sheeting*. A modular element 2 is constructed of a selected number of parallel transverse partitions 3, set a relatively uniform distance apart, and connected to one another by two bars 4. *Partitions* 3 and bars 4 are preferably *formed into a single piece constructed of a selected plastic* material, such as polycarbonate, by injection molding or the like. (emphasis added).

Pursuant to the Examiner Interview and the amendment to claim 1 above, Applicant has, therefore, amended the title of the invention to read - - Bi-Material Anti-Dazzle Raster For Tubular Light Sources - -.

Applicant has made a good faith attempt to place this Application in condition for allowance. Favorable action is requested. If there is any further point requiring attention

prior to allowance, the Examiner is asked to contact Applicants' counsel at (646) 265-1468.

Respectfully submitted,



Dated: February 14, 2006

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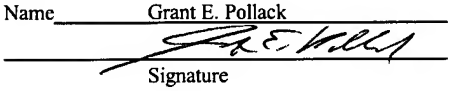

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